

U.S. Ser. No. 10/037,113

Atty Docket P02248US2

REMARKS**A. Overview**

Claims 1 and 3-38 are pending. These claims are under appeal to the Board of Patent Appeals and Interferences. However, under 37 CFR 1.116 and MPEP Section 1207, Applicant respectfully submits that present amendment to (a) simplify the issues on appeal and (b) attempt to resolve Section 112 rejections regarding wording of some of the claims. Therefore, entry of this amendment is respectfully requested on the grounds it will simplify issues on appeal.

B. Requirements Regarding the Drawings

It is noted that the Final Rejection approves the drawings submitted at the end of 2002. Applicant respectfully reserves the right to file formal drawings at such time a Notice of Allowance might be issued in this application. If formal drawings are required sooner, please notify the undersigned.

C. Section 112 Rejections of Claims

Claims 31-36 have been rejected under Section 112, first paragraph. Although Applicant respectfully traverses each rejection on the grounds the specification does provide support for the clauses objected to in the Final Rejection, to advance prosecution of the application it is respectfully submitted each such rejection is remedied by this response for the following reasons.

- a. The limitation of "less than approximately 6 feet" has been changed to "a few feet". Explicit support can be found in Applicant's specification, at least at page 12, first partial paragraph and first full paragraph (giving example of three foot frame).
- b. The limitation of "at least thirty six inches" has been deleted.

U.S. Scr. No. 10/037,113

Atty Docket P02248US2

c. The limitation of "less than 8 feet wide" has been deleted and substituted by "foldable inwardly and upwardly". This is explicitly supported in the drawings of the application, particularly Figure 4, and the corresponding description of the embodiments where the arm bearing the wheel rakes is raisable and lowerable by hydraulic cylinders (*see, e.g.*, specification pages 13, first partial paragraph; page 15, paragraphs 1,2 and 3; page 16, first partial paragraph and full paragraphs 2 and 3).

d. The limitation "at least two feet off the ground" has been changed to "substantially off the ground". The drawings and specification describe how the rakes can be lifted off the ground and not interfere with other use of the baler and tractor. *See, e.g.*, page 6, second paragraph. Figure 4 shows the arm holding wheel rakes pivoted approximately ninety degree up. The term substantially is submitted to be apt and definite based on the specification.

Claim 3 was rejected as being dependent from a previously canceled claim 2. Claim 3 has been deleted in this response, making this rejection moot.

Note also that the following claim changes have been made:

e. The dependency of claim 6 has been changed from claim 1 (now canceled) to independent claim 31.

f. The dependency of claim 9 has been changed from claim 8 (now canceled) to dependent claim 33.

g. The dependency of claims 16, 17, and 18 has been changed from claims 1 and 15 (both now canceled) to claim 31.

U.S. Ser. No. 10/037,113

Atty/Docket P02248US2

- h. The dependency of claim 23 has been changed from claim 8 (now canceled) to dependent claim 22.
- i. The dependency of claim 26 has been changed from claim 25 (now canceled) to independent claim 35.
- j. The phrase "foldable inwardly and upwardly"
- k. The phrase "large bale" has been added to claim 37 to make claim 37 consistent with all the other claims, which have this limitation.

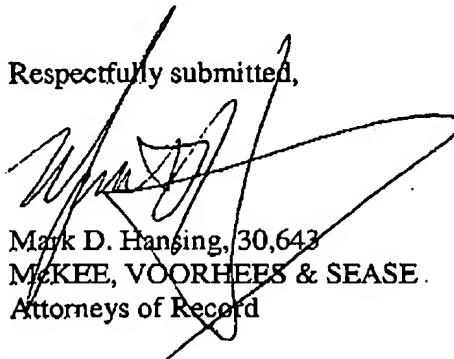
These changes are made solely to remedy any dispute about support for the claim language in Applicant's specification, and not to avoid prior art.

D. Conclusion

It is respectfully submitted that the present response should be entered and the Section 112 rejections withdrawn. Favorable action is respectfully requested.

It is not believed that any fee and/or request for extension of time is required for entry of this response. If any such fee and/request is needed, however, please consider this a request therefore and charge any required fee to deposit account #26-0084.

Respectfully submitted,


Mark D. Hanging, 30,643
MCKEE, VOORHEES & SEASE
Attorneys of Record

OFFICIAL

801 Grand Avenue - Suite 3200
Des Moines, Iowa 50309-2721
515-288-3667 - wrw -
515-282-6778 FAX

RECEIVED
CENTRAL FAX CENTER

SEP 03 2003